

Appl. No. 10/611,616  
Response Dated October 24, 2006  
Reply to Office Action of July 24, 2006

**REMARKS**

***Status of the Claims***

Claims 1-18 and 20-23 are currently pending in this application. Claims 1-3, 6, 10, 12, 14, 15, 18, 21, and 23 have been amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested

***Rejections under 35 U.S.C. § 112***

Claims 1-18 and 20-23 are rejected under 35 U.S.C. § 112, second paragraph as being allegedly indefinite. With respect to these rejections, the Examiner makes several allegations regarding the clarity of these claims. However, notwithstanding the merits of these rejections, amendments have been made to more clearly recite features of the claimed invention, but not for reasons related to patentability. Withdrawal of these rejections is respectfully requested.

***Rejections under 35 U.S.C. § 102***

Claims 1-2, 6-9 and 13-14 are rejected under 35 U.S.C. § 102 as being allegedly anticipated by U.S. Patent No. 6,463,486 to Parry et al. (“Parry”). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

Independent claims 1, 6, and 13 recite determining a frame boundary for audio information.

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On page 5 of the Office Action, the Examiner alleges that such features are disclosed by Parry at column 11, lines 59-64, and at column 12, lines 20-24. Applicant respectfully disagrees. These portions of Parry merely discuss positions within a circular buffer, such as logical positions, as well as head and tail pointers that reference beginning and end positions of the buffer.

These portions of Parry identified by the Examiner merely discuss positions of a circular buffer and do not discuss characteristics of information (e.g., frames) stored within the circular buffer. Therefore, as relied on by the Examiner, Parry does not disclose or suggest determining boundaries of frames.

On page 9 of the Office Action, the Examiner states that the claims do not preclude Parry. As best understood, Applicant believes that the Examiner is stating that the claims are inconsistent. However, Applicant asserts that the claims as presented are consistent. If Applicant's understanding regarding this statement is incorrect, a clarification is respectfully requested in the next official communication.

Consequently, Parry fails to disclose all the elements or features of the claimed subject matter. Thus, Applicant respectfully requests that this rejection be withdrawn.

#### ***Rejections under 35 U.S.C. § 103***

Claims 18 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Parry. Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the obviousness rejection.

Claims 18 and 20 recite features similar to those recited in claims 1, 6, and 13. Therefore, for reasons analogous to those presented above, Applicant respectfully

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submits that claims 18-20 are patentable subject matter over Parry. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

***Conclusion***

Applicant respectfully submits that all of the stated grounds of rejection have been properly traversed accommodated or rendered moot. Applicant believes that a full and complete response has been made to the outstanding Office Action. However, Applicant hereby reserves the right to make additional arguments regarding distinctions between the claims and the cited references, taken alone or in combination.

The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present patent application.

Respectfully submitted,

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/John A. Harroun/  
Reg. No. 46,339  
Under 37 CFR 1.34

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